

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB170

Hearing Date: Tuesday January 18, 2011
Committee On: Transportation and Telecommunications
Introducer: Fischer
One Liner: Change motorcycle safety education provisions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	7	Senators Campbell, Dubas, Fischer, Hadley, Lautenbaugh, Loudon, Price
Nay:		
Absent:	1	Senator Janssen
Present Not Voting:		

Proponents:

Dusty Vaughan
Beverly Neth

Representing:

Introducer
Department of Motor Vehicles

Opponents:

David Halen
William Mulherin
Carson Fitzgerald
Ann Madsen

Representing:

Dillon Brothers Harley-Davidson
National Safety Council, Greater Omaha Chapter
Nebraska Safety Center
self

Neutral:

Representing:

Summary of purpose and/or changes:

LB 170 eliminates state subsidies provided through the Motorcycle Safety Education Fund and updates statutory requirements for motorcycle safety classes and certification of training instructors.

Section by Section Summary

Section 1 amends Sec. 39-2215 to strike the diversion of \$3 per motorcycle registration taken from the Highway Trust Fund and deposited in the Motorcycle Safety Education Fund.

Section 2 amends Sec. 60-4,115 to strike the diversion of \$3.50 per Class M license issued from the DMV Cash Fund and deposited in the Motorcycle Safety Education Fund.

Section 3 amends Sec. 60-4,127 to require a Class M license applicant to complete a motorcycle safety course within the preceding year instead of the preceding four years. The section also strikes obsolete language from the statute.

Section 4 amends Sec. 60-2120 to provide harmonizing language.

Section 5 amends Sec. 60-2121 to strike the definition of Fund since the Motorcycle Safety Education Fund will no

longer exist.

The section also creates definitions for driving course, motorcycle safety course, motorcycle safety instructor, and motorcycle trainer.

Section 6 amends Sec. 60-2125 to permit the DMV to adopt rules and regulations establishing the requirements for motorcycle safety courses.

The section strikes reference to reimbursement from the fund and specific minimum requirements for the courses, and replaces it with general requirement language.

Section 7 amends Sec. 60-2126 to harmonize language and require an application for providing a course to include a list of instructors and department certification of those instructors. A \$100 application fee is required to be remitted to the DMV Cash Fund. DMV will also have audit authority over the safety course.

Section 8 amends Sec. 60-2127 to permit DMV rule and regulation authority for minimum requirements of safety instructors. The certification is valid for two years, after which renewal is required according to DMV rule and regulation.

The section also eliminates the statutory minimum requirements for safety instructors.

If a person currently holds an instructor permit, it will be recognized until January 1, 2014, after which the instructor will need to reapply according to DMV rule and regulations.

Section 9 amends Sec. 60-2128 to eliminate the requirement of at least one course per year in each congressional district.

The section strikes referencing language to reimbursement for instructor courses and requirements to pass the course.

Section 10 amends Sec. 60-2129 to limit certification to no more than two motorcycle trainers. Trainers may be reimbursed for certification through the DMV when there are less than two trainers in the state.

The section also provides for the treatment of a current safety instructor permit, which shall be valid until January 1, 2014, after which renewal is required according to DMV rule and regulation.

Section 11 amends Sec. 60-2130 to change the term of valid certificates from three to two years. The section also eliminates the requirement of providing a SSN and a \$5 fee.

Section 12 amends Sec. 60-2131 to provide harmonizing language and eliminate the restriction of a 12 month period before a suspended/revoked instructor can reapply.

The section provides new language outlining the process for reapplying or recertifying a suspended or revoked instructor. The section also provides for a contestation process.

Section 13 inserts new language that directs outstanding revenue in the Motorcycle Safety Education Fund to be transferred to the Roads Operation Cash Fund by March 1, 2012.

Section 14 amends Sec. 60-2139 to provide discretionary authority for DMV rules and regulations governing the Motorcycle Safety Education Act.

Section 15 provides an operative date for the bill of January 1, 2012.

Section 16 repeals original sections amended in the bill.

Section 17 outright repeals statutory sections referencing the Motorcycle Safety Education Fund and authorized expenditures of the fund.

Deb Fischer, Chairperson